



#11

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Vincent K. LEE

Group Art Unit: 2674

Serial No.: 09/640,190

Examiner: T. Tran

Filed: August 17, 2000

Atty. Dkt.: LEEV3003/WKP

For: MOUSE CASING WITH LIQUID ORNAMENT

PETITION UNDER 37 C.F.R. § 1.182Commissioner for Patents
Washington, D.C. 20231**RECEIVED**
JAN 06 2003
OFFICE OF PETITIONS**ATTENTION: OFFICE OF PETITIONS**

Sir:

This petition is being submitted in response to the notification by the Examiner of record that the patent application file identified above has been reporting as being lost by the U.S. Patent and Trademark Office, and therefore the Examiner cannot act upon the Amendment and Response After Final Rejection that was timely filed by the Applicant on October 2, 2002.

Applicant authorizes the U.S. Patent and Trademark Office to charge the Petition fee required under 37 C.F.R. § 1.17 (h) to Deposit Account No. 02-0200.

In order to avoid any statutory bar, Applicant has concurrently filed herewith a Notice of Appeal and Petition for Extension of Time, copies of which are appended hereto.

Applicant respectfully petitions a full refund of the cost of the Petition under 37 C.F.R. § 1.182 (\$130), Petition for Extension of Time (\$465) and the Notice of Appeal (\$160), since it is impossible for Applicant to further prosecute the pending application

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Serial No.: 09/640,190
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until the patent application file is recovered or reconstituted. Applicant further petitions that further actions following the Notice of Appeal by the Applicant be held in abeyance until the patent application file is recovered by the U.S. Patent and Trademark Office.

Applicant further petitions that when the patent application file is recovered or reconstituted and the Examiner issues a response to the Amendment and Response After Final Rejection that was timely filed on October 2, 2002, Applicant will be given adequate time (at least one month) to file a response without incurring additional costs for an extension of time.

On November 27, 2002, Applicant's Attorney contacted the Examiner of record as to the status of the application. In reply, the Examiner stated that the Amendment and Response After Final Rejection filed by the Applicant on October 2, 2002 was not yet received by the Patent and Trademark Office. In response, on that same day, Applicant's Attorney sent a facsimile communication which included true copies of the Amendment and Response After Final Rejection that was timely filed on October 2, 2002, including a true copy of the filing receipt card date stamped by the U.S. Patent and Trademark Office on October 2, 2002. True copies of the Amendment and Response After Final Rejection and the filing receipt card are attached hereto to evidence that the above documents were timely filed on October 2, 2002. On December 31, 2002, the Examiner of record telephoned Applicant's Attorney and stated that the U.S. Patent and Trademark Office cannot find the application file and the application file has been reported as being lost.

Serial No.: 09/640,190
Group Art Unit: 2674
Examiner: T. Tran

In the event there are any outstanding matter in connection with this petition, the undersigned may be reached by telephone or facsimile at the numbers provided below.

Respectfully submitted,
BACON & THOMAS, PLLC



WONKI K. PARK
Attorney for Applicant
Registration No. 38,991

Date: January 2, 2003

BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314
Telephone: 703-683-0500
Facsimile: 703-683-1080

WKP/jfm

S:\Producer\wp\LEE 640190\petition under 1.182 with copy of Amendment AF.wpd

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: VINCENT K. LEE

SERIAL NO.: 09/640,190

GROUP ART UNIT: 2674

FILED: August 17, 2000

EXAMINER: T. Tran

FOR: MOUSE CASING WITH LIQUID ORNAMENT

ATTY. REFERENCE: LEEV3003/WKP



NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS

BOX AF

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

COPY

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated:
of the Primary Examiner finally rejecting claims:

The Appeal Fee is:

- ☐ enclosed ☐ \$320. ☒ \$160.
☐ not required (fee paid in prior appeal in this application).
☒ requested to be charged to Deposit Account Number 02-0200. A duplicate copy of this sheet is enclosed.

☒ Small Entity Status is claimed.

☒ The Commissioner is hereby authorized to charge any additional fees associated with this communication, including fees due under 37 CFR 1.16 and 37 CFR 1.17 or credit any overpayment to Deposit Account Number 02-0200. A duplicate copy of this sheet is enclosed.

Also enclosed is a:

X Petition For Extension Of Time

BACON & THOMAS, PLLC
625 SLATERS LANE - FOURTH FLOOR
ALEXANDRIA, VIRGINIA 22312-1176
(703) 683-0500



23364

PATENT TRADEMARK OFFICE

Respectfully submitted,

WONKI K. PARK

Attorney for Applicant

Registration Number: 38,991

DATE: January 2, 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: VINCENT K. LEE

SERIAL NO.: 09/640,190

FILED: August 17, 2000

FOR: MOUSE CASING WITH LIQUID ORNAMENT

GROUP ART UNIT: 2674

EXAMINER: T. Tran

ATTY. REFERENCE: LEEV3003/WKP

PETITION FOR EXTENSION OF TIME

COPY

THE COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

Applicant requests that the time for taking action in this case be extended pursuant to 37 CFR 1.136 (a) for:

☒ Three Months (\$930/\$465)

The fee set in 37 CFR 1.17 for the extension of time is \$465.00.

- ☐ Fee enclosed. Please charge any additional fee required for this extension of time to Deposit Account Number 02-0200. A duplicate copy of this paper is enclosed.
- ☒ Charge fee to Deposit Account Number 02-0200. A duplicate copy of this paper is enclosed.
- ☒ Small Entity Status is asserted.

Also enclosed is a:

☒ Notice of Appeal from the Primary Examiner to the Board of Appeals

BACON & THOMAS, PLLC
625 SLATERS LANE - FOURTH FLOOR
ALEXANDRIA, VIRGINIA 223124-1176
(703) 683-0500



23364

PATENT TRADEMARK OFFICE

Respectfully submitted,

WONKI K. PARK
Attorney for Applicant
Registration Number: 38,991

DATE: January 2, 2003

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JAN 06 2003
OFFICE OF PETITIONS
(01OCT01)



Customer 23364

Serial No: 09/640,190



BACON & THOMAS

625 Slaters Lane 4th Fl., Alexandria, VA 22314

Filed: August 17, 2000

PATENT APPLICATION
(PENDING)

3

Attorney: LEEV3003/WKP

Due Date: 10/02/02

Applicant(s): Vincent K. LEE

☒ MAILROOM

☐ ART UNIT

☐

Special Instructions:

The PTO stamp hereon acknowledges receipt of:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Amendment/Response | <input type="checkbox"/> Missing Parts Response w/Decl. | <input type="checkbox"/> Request for Refund |
| <input type="checkbox"/> Check \$ | <input type="checkbox"/> Appeal Brief (Triplicate) | <input type="checkbox"/> |
| <input type="checkbox"/> Issue Fee | <input type="checkbox"/> Priority Documents(s) | <input type="checkbox"/> Assignment |
| <input type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> Notice of Appeal | |
| <input type="checkbox"/> Extension of Time Petition | <input type="checkbox"/> Substitute Declaration | |
| <input type="checkbox"/> Terminal Disclaimer | <input type="checkbox"/> Information Disclosure Stmt. ---- <input type="checkbox"/> w/refs. | |
| <input type="checkbox"/> Reply Brief (Triplicate) | <input type="checkbox"/> Request for CPA | |
| <input type="checkbox"/> Sheets of Drawings - | <input type="checkbox"/> Formal <input type="checkbox"/> Informal | |
| <input type="checkbox"/> Sm. Entity Statements -- | <input type="checkbox"/> Inv. <input type="checkbox"/> Sm. Bus. <input type="checkbox"/> Non-Inv. <input type="checkbox"/> Non-Profit | |
| <input type="checkbox"/> Communication To: | | |
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Filed By: WKP/tbh



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OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

IN RE APPLICATION OF: VINCENT K. LEE

SERIAL NO.: 09/640,190

FILED: August 17, 2000

FOR: MOUSE CASING WITH LIQUID ORNAMENT

GROUP ART UNIT: 2674

EXAMINER: Tam D. Tran

ATTY. REFERENCE: LEEV3003/WKP



EXPEDITED HANDLING PROCEDURE
PURSUANT TO 37 C.F.R. §1.116

THE COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

Transmitted herewith is a communication/amendment in the above-identified application.

☒ Small entity status under 37 CFR 1.9 and 1.27 is claimed.

☒ No additional fee is required.

COPY

The fee, if any, has been calculated as shown below:

Fee Basis	Number of Claims After Amendment	Highest Number Previously Paid For	Extra Claims	Small Entity	Full Fee
Total Claims	4	¹ -	³ =	× \$ 9 =	× \$ 18 =
Independent Claims	1	² -	³ =	× \$ 42 =	× \$ 84 =
<input type="checkbox"/> First Presentation of Proper Multiple Dependent Claim				+ \$140 =	+ \$280 =
TOTAL					\$0.00

¹ If less than 20 enter 20.

² If less than 3 enter 3.

³ If less than 0 enter 0.

☐ Please charge my Deposit Account Number 02-0200 in the amount of \$ _____. A duplicate copy of this sheet is attached.

☐ A check in the amount of \$ _____ is attached.

☒ The Commissioner is hereby authorized to charge any additional fees associated with this communication, including fees due under 37 CFR 1.16 and 37 CFR 1.17 or credit any overpayment to Deposit Account Number 02-0200. A duplicate copy of this sheet is attached.

☒ Also enclosed is/are: Appendix of Amended Claim

BACON & THOMAS, PLLC
625 SLATERS LANE - FOURTH FLOOR
ALEXANDRIA, VIRGINIA 223124-1176
(703) 683-0500



23364

PATENT TRADEMARK OFFICE

DATE: October 2, 2002

Respectfully submitted,

Wonki K. Park
Attorney for Applicant
Registration Number: 38,991

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JAN 06 2003
OFFICE OF PETITIONS



EXPEDITED HANDLING PROCEDURE
PURSUANT TO 37 C.F.R. §1.116
GROUP ART UNIT: 2674

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

In re Application of:

Vincent K. LEE

Group Art Unit: 2674

Serial No.: 09/640,190

Examiner: Tam D. Tran

Filed: August 17, 2000

For: MOUSE CASING WITH LIQUID ORNAMENT

AMENDMENT AND RESPONSE
AFTER FINAL REJECTION

Commissioner for Patents
Washington, D.C. 20231

Sir:

This is responsive to the Office Action mailed July 2, 2002 (Paper No. 4) in the above application. Reconsideration of the application is respectfully requested in view of the following amendments and remarks.

AMENDMENT

Please amend this application as follows:

IN THE CLAIMS

Please amend claim 2 as follows. An Appendix of Amended Claim is attached.

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Serial No.: 09/640,190
Group Art Unit: 2674
Examiner: Tam D. Tran

2.(Amended) A computer mouse comprising:

a liquid-filled compartment, the liquid-filled compartment comprising a see-through external wall and a bottom wall, and liquid with a decorative article floating on the surface of the liquid;

a lower case comprising front and rear portions, the rear portion of the lower case adapted to receive the bottom wall of the liquid-filled compartment, the front portion of the lower case adapted to receive electronic components of the computer mouse; and

an upper case adapted to cover the electronic components of the computer mouse and secure the liquid-filled compartment between the lower case and the upper case, such that the liquid and the decorative article inside the liquid-filled compartment are fully visible through the external wall of the liquid-filled compartment.

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Examiner: Tam D. Tran

REMARKS

Claim 2 has been amended to improve the clarity of the claimed subject matter and to bring the claims into conformity with U.S. Practice and format, and to place the application fully in condition for allowance. All of the amendments are fully supported by the original disclosure of this application and therefore do not constitute the introduction of any new matter into this case.

The amendments are proposed pursuant to Rule 116 to place the application fully in condition for allowance. Entry of the proposed amendments, which will not require a new search or consideration of new issues is respectfully requested. It is believed that the amendments do not raise substantive issues that were not previously considered by the Examiner.

CLAIM REJECTIONS

Claim Rejections under 35 U.S.C. § 102

Claim 2 is rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. 6,195,085 (Becker et al.). Claim 2 has been amended to positively recite that the liquid-filled compartment 3 comprises a see-through external wall and a bottom wall, and liquid with a decorative article floating on the surface of the liquid, and the liquid and the decorative article inside the liquid-filled compartment 3 is fully visible through the external wall of the liquid-filled compartment 3, as clearly shown in Figures 1-5.

Becker et al. discloses a hand held pointing device (mouse) that utilizes a soft silicon jelly material to enclose the outer surface of the mouse casing, so that the mouse casing is pliant, having a soft outer surface to add to the comfort of the user. The silicon jelly material of Becker et al. is the same as that used for the manufacture of common mouse pads, and is a type of viscous gel that may be clear, but is not a liquid substance for floating a decorative article on a surface thereof, as presently claimed. Becker et al. discloses a liquid crystal layer matrix disposed between the outer

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surface of the mouse casing and the silicon jelly material, and wires are provided in the liquid crystal layer to electronically control the latter. In Becker et al., when a user's hand holds the mouse casing and contacts its outer surface, the temperature of the hand of the user and pressure applied thereon on the mouse casing causes changes in the color of the liquid crystal layer via specific signals generated by a computer system connected to the mouse, to enhance the visual senses.

In contrast, the claimed invention, as presently amended, provides a mouse casing having a liquid-filled compartment in which liquid is contained therein to float a decorative article. In the present invention, the mouse casing is a rigid and clear plastic casing, having at least one liquid compartment with a floating ornament thereon which is visible through the clear plastic wall of the liquid-filled compartment. The inventive device is not pliant, as is the case with Becker et al. In the claimed invention, the see-through external wall of the liquid-filled compartment 3 does not include any liquid crystal layer with wires to alter the display inside the liquid-filled compartment 3.

Therefore, it is most respectfully submitted that the claimed invention, as recited in amended independent claim 2, patentably distinguishes over the cited reference to Becker et al. In view of the amendments to independent claim 2, and the remarks above, withdrawal of the rejection based on 35 U.S.C. § 102 is most respectfully requested.

Claim Rejections under 35 U.S.C. § 103

Claims 3 and 4 are rejected under 35 U.S.C. § 103 as being unpatentable over Becker et al.

With regard to claims 3 and 4, the reference to Becker et al. does not disclose an internally stepped edge on the upper case thereof correspondingly fitted to the stepped edge of the liquid-filled compartment, to firmly connect the liquid-filled compartment to the upper case. No motivation has been provided in the latest Office Action to so modify the base reference to Becker et al.

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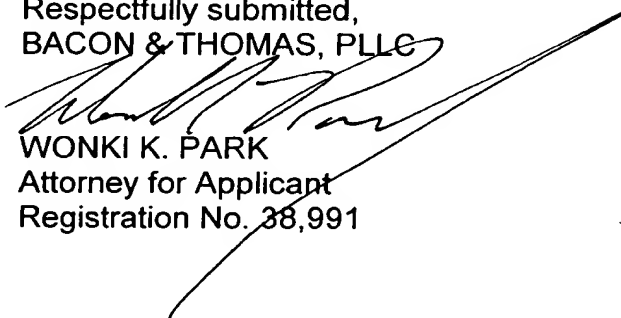
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With regard to claim 5, the Examiner indicated that the reference to Becker et al. teaches a liquid crystal plate (upper case) that is transparent (Figure 7, column 10, lines 37-42). It is respectfully submitted that in column 10, lines 37-42 of Becker et al., it is only disclosed that a liquid-crystal plate 320 is attached to a rigid outer shell 310. There is no disclosure to indicate that the upper case is transparent.

Claims 3-5 depend from independent claim 2, which as amended is believed to be fully patentable over the reference to Becker et al. In view of the remarks above, and the amendments to independent claim 2, withdrawal of the rejection based on 35 U.S.C. § 103 is most respectfully requested.

In summary, it is respectfully submitted that none of the prior art individually or collectively shows the invention as claimed. Accordingly, withdrawal of the rejection of the claims appears to be warranted and the same is respectfully requested. In the event there are any outstanding matters remaining in the present application which can be resolved by a telephone call or facsimile communication to applicant's attorney, the Examiner is invited to contact the undersigned by telephone or facsimile at the numbers provided below.

Respectfully submitted,
BACON & THOMAS, PLLC



WONKI K. PARK
Attorney for Applicant
Registration No. 38,991

Date: October 2, 2002

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WKP/tbh

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Serial No.: 09/640,190
Group Art Unit: 2674
Examiner: Tam D. Tran

APPENDIX OF AMENDED CLAIM

2.(Amended) A computer mouse comprising:

a liquid-filled compartment, the liquid-filled compartment comprising a see-through external wall and a bottom wall, and liquid with a decorative article floating on the surface of the liquid;

a lower case comprising front and rear portions, the rear portion of the lower case adapted to receive the bottom wall of the liquid-filled compartment, the front portion of the lower case adapted to receive electronic components of the computer mouse; and

an upper case adapted to cover the electronic components of the computer mouse and secure the liquid-filled compartment between the lower case and the upper case, such that [the content of the see-through compartment is fully visible] the liquid and the decorative article inside the liquid-filled compartment are fully visible through the external wall of the liquid-filled compartment.